

Report and Decision

on

Application by George W. Page and Others

for

Authorization and Approval

of

Project under Chapter 121A of the General Laws
of the Commonwealth of Massachusetts
and Chapter 652 of the Acts of 1960

and for

Consent

to Formation of a Corporation
to be Organized under the Provisions
of Said Chapter 121A

A. A public hearing was held at 3:00p.m. on July 17, 1969, in the hearing room of the Boston Redevelopment Authority, City Hall, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority"), on an application (hereinafter called the "Application"), filed by George W. Page et al (hereinafter called the "Applicants") for authorization and approval of a Project (hereinafter called the "Project"), under Chapter 121A of the General Laws of the Commonwealth of Massachusetts, and under Chapter 652 of the Acts of 1960 and for consent to the formation of Port Development Company, Inc., a corporation to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, for permissions by the Authority for the Project to deviate from zoning and certain other laws, conditions, ordinances and regulations in effect in Boston, for a determination by the Authority that the part of the structure to be used as a garage on the premises comprising the Project area will not be substantially detrimental to any building within 500 feet of such structure occupied in whole or in part as a private school having more than 50 pupils, or as a private hospital having more than 25 beds, or as a church, and for a declaration by the Authority that, while the Project involves the construction of units which constitute a single building under the Boston Building Code and Zoning Law, such units constitute separate buildings for the purpose of Chapter 138 of the General Laws of the Commonwealth of Massachusetts. Due

notice of said hearing was given, on order of the Authority, in accordance with Rule 8 of the Rules and Regulations for Securing Approval of Projects in Boston, under Chapter 121A of the General Laws, as amended, adopted by the Authority and approved by the Mayor of the City of Boston, and in accordance with Section 13 of Chapter 652 of the Acts of 1960, by publication on July 2, 1969, and July 9, 1969 in the Boston Globe, a daily newspaper of general circulation published in Boston.

Rt. Rev. Msgr. Francis J. Lally, Chairman of the Authority, Melvin J. Massucco, James G. Colbert, George P. Condakes, and Patrick Bocanfuso, members of the Authority, were present throughout the hearing. Rt. Rev. Msgr. Francis J. Lally presided.

B. All references in this report to the Application, the Exhibits thereof, the Project, and the Project area are to the same.

C. The Project consists of the construction, maintenance and operation by the proposed 121A corporation (hereinafter called the "Applicant"), of the building and other improvements described in the Application and Plans and Specifications filed therewith, on a parcel of land in the East Boston District of Boston, and shown on the plan attached to the Application as Exhibit A, bounded by Porter Street, Cottage Street, land of the Massachusetts Port Authority, and land of owner or owners unknown.

The parcel of land on which the Project is to be located contains 1.2 acres, and is hereinafter referred to as the "Project Area."

D. The members of the Authority are familiar with the Project Area and the neighborhood in which it is located. In passing upon the Application, the Authority considered the Application itself, and all documents, plans, exhibits and other material filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and the arguments and statements made at the hearing.

E. The Project Area does not include land within a location approved by the State Department of Public Works or the Massachusetts Turnpike Authority for the extension of any proposed highway.

F. For the reasons set forth in the Application, and the documents filed therewith or referred to therein, and the evidence presented at the hearing and in this report, the Authority finds:

1. The Project Area contains approximately 1.2 acres of land at the level of the grades of the adjoining streets, and immediately adjacent to the land of the Massachusetts Port Authority (sometimes known as Logan Airport), which land is presently open and unbuilt upon.

Across Porter Street from the Project site is a large factory warehouse type of building, approximately 400' in length, 5 or more stories in height; on its top floor is a large illuminated electric sign of approximately 5 stories in height, and adjacent to the building is a large stack or chimney, approximately 12 to 13 stories in height.

Directly across Cottage Street from the Project Area is a series of connected buildings, typical of the area, which are in hazardous, unsightly, deteriorated and clearly neglected condition.

A sound development of the Project Area dictates the construction of a parking garage in the base building, generally as outlined in the plans and specifications accompanying the Application, with the ground level areas of the building to be set back from the street, forming a sort of plaza or walk. Surmounting the base building, which would also include a restaurant, general office, lobby for the proposed hotel (a high-rise building of approximately 14 stories, containing primarily the guest rooms contemplated in connection with the hotel) would be located a covered swimming pool, lanai area, and this area would be generally landscaped to create a garden or recreational-type of effect.

2. The Project Area is a blighted, open and decadent area within the definition contained in said Chapter 121A in Section 1 of Chapter 121A, as amended, in that it is predominately an open area which is detrimental to the safety, health, morals welfare and sound growth of the City of Boston, because of the combination of conditions set forth in Paragraph 3 hereof, and because it is unduly costly to develop it soundly through the ordinary operations of private enterprise by reason of the expense of each of the following factors, all of which are applicable to the Project Area:

(a) the unsuitable and complex subsoil conditions;

(b) the necessity for unduly expensive foundations and retaining walls, and unduly expensive measures for waterproofing structures, and the water table in the area;

(c) unduly expensive construction incident to building over possible rights of way along the side of the site;

(d) the expense of repairing buildings which are out of repair, physically deteriorated, unfit for human habitation, obsolete, and in need of major maintenance or repair.

(e) the general unsafe condition of the deteriorated and substandard buildings in the immediate vicinity of the site.

3. During recent years, it has become clear that the conditions which contribute and result in the blighted and decadent character of the neighborhood, are not being, and are not likely to be, remedied by the ordinary operations of private enterprise, and are worsening. No substantial use is now being made of the area. The blighted conditions existing in the Project Area and in the adjacent area which is primarily comprised of so-called "cold water flats" without adequate sanitary facilities have caused and are now causing a serious, degenerating influence upon the neighborhood area.

4. The project described in the Application and the plans and specifications filed therewith constitute a "project" as described in Chapter 121A, providing as it does for the construction, maintenance and operation in a presently blighted, open and

decadent area of decent, safe and sanitary commercial buildings within said definitions, and with such pertinent or incidental facilities in the public interest and in accordance with a sound development of the Project Area.

5. Conditions exist which warrant carrying out the Project; the Project is practicable and does not conflict with the Master Plan of the City. The Project will not be detrimental in any way to the best interests of the public or the City, or to the public safety and convenience, or inconsistent with the most suitable development of the City; the Project will constitute a public use and benefit, will resolve the future use of a large area now vacant and almost entirely abandoned, and will constitute an improvement to neighborhood properties and stimulate the renewal and rehabilitation;

6. The Project does involve the destruction of one building occupied in part as a dwelling, but the Authority is satisfied that at most there might be one tenant in the said building at the time of the scheduled razing, and there is a feasible method for the temporary relocation of such tenant in that there are available in other areas immediately adjacent to the project accommodations at rents or prices within the financial means of the tenant, and dwelling accommodations reasonably similar to their present facilities, and that such areas are not generally less desirable in regard to public utilities and public and commercial facilities.

G. The minimum standards for financing, construction and maintenance of the project as set forth in Exhibit C of the Application and hereby approved, adopted and imposed as rules and regulations applicable to the project for the same period as

the project is subject to the provisions of Chapter 121A and Chapter 652A of the Acts of 1960.

H. The Project includes several substantial facilities on several levels for parking of automobiles. For the reasons set forth in the Application and in the evidence presented at the hearings, insofar as said parking facilities might be construed to be a garage subject to the provisions of the Acts of 1913, Chapter 577, as amended, within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church, the Authority hereby determines that such parking facilities will not be substantially detrimental to any such school, hospital or church; and an application may be granted and a permit issued for the erection, maintenance and use of such parking facilities, anything in Chapter 316 of the Acts of 1922 to the contrary notwithstanding. The Authority also finds that the granting of such Application and the issuance of such permit is reasonably necessary in order to carry out the Project.

I. For the reasons set forth in the Application and in the evidence presented at the hearings the Authority hereby determines that the Project involves the construction of units which constitute a single building under the Boston Building Code and Zoning Law and the Authority hereby declares such units separate buildings for the purposes of Chapter 138 of the General Laws.

J. Exhibit B to the Application sets forth permissions requested for the Project to Deviate from zoning health, fire and building laws, conditions, ordinances and

regulations in effect in the City of Boston for the reasons set forth in the Application and in supporting documents, including Exhibit B in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions requested is reasonably necessary for the carrying out of the Project and may, subject to such, if any, conditions as are hereinafter specifically stated with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances or regulations, respectively; and the Authority is also satisfied, by reliable and generally accepted tests, and by experience in other cities, that the other designs, construction materials, apparatus, equipment or methods specified in the Application and supporting documents, including said Exhibit B, in the evidence presented at the hearings and in this report, will, subject to said conditions, sufficiently satisfy the purpose for which it or they are to be used and the purposes of such laws, codes, ordinances or regulations.

K. The permission set forth in the request numbered A-1 is hereby granted to the applicant and deviation from any sections of the zoning and building code of the City of Boston restricting the construction of the height of 182 feet as shown on the plans and specifications submitted with the application is hereby granted.

L. The permissions set forth in request numbered A-1(b), (c), (d), (e), (f), and (g) are hereby granted so as to allow floor area ratio consistent with the plans and specifications filed with said Application and to permit the location of the proposed building on the Project site as shown on the said plans and specifications.

M. The permissions set forth in requests numbered B(a) and B(b) of Exhibit B are hereby granted to permit the use of the building or buildings on the site as a hotel and to allow the area of the site to be used so as to permit accessory uses to the hotel use.

N. The permissions set forth in request number C-(a) are hereby granted to permit the use of a sign or signs on the building or buildings providing that the size, location and general specifications of the sign or signs are first submitted to the Authority for approval, which approval will not unreasonably be withheld.

O. The permissions set forth in request number D(a) are hereby granted so as to allow the off Street Parking as shown by the plans and specifications submitted with the Application.

P. The permission set forth in request number E(a) is hereby granted so as to allow the off Street Loading Boys as set forth in the plans and specifications submitted with the Application.

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, and the applicable Rules and Regulations of the Authority, and the Authority, for these reasons and for the reasons set forth in the Application and supporting documents, including all exhibits, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of the Port Development Company, Inc., as requested in the

Application, and consents to the filing of the Agreement of Association for such corporation substantially in the form annexed to said Application.

